

REMARKS

Claims 1, 5, 8 and 9 remain pending herein. Claim 1 has been amended hereby to even more clearly recite features of the present invention. Support for the claim amendment can be found throughout the specification and drawings. No new matter has been presented. For the reasons discussed below, Applicant respectfully submits that all of the pending claims are in condition for allowance.

In the Office Action,

- Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Just (US 6,988,992) in view of Newton (US 2,332,488) in view of Kawasaki et al. (US 5,433,724, "Kawasaki");
- Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yavnai (US 2003/0176825);
- Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Just in view of Newton in view of Kawasaki et al., further in view of Nagelman (US 1,288,130); and
- Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yavnai in view of Nagelman.

These grounds of rejection are respectfully traversed.

The present invention relates to a muscle development device. The pending claims can be classified into two groups, namely group 1: claims 1 and 8, and group 2: claims 5 and 9.

The Examiner argues that group 1 (claims 1 and 8) is unpatentable over Just in view of Newton in view of Kawasaki; and group 2 (claims 5 and 9) is unpatentable over Yavnai (and in combination with Nagelman for claim 9).

Group 1

The Examiner points out that Just teaches "a tight fitting band that is stretchable in a lengthwise direction". It is respectfully submitted that interpretation is incorrect. More specifically, the Examiner points out that the sleeve 30 is stretchable. However, the sleeve 30 is a tubular element attached to one end of a sphygmomanometer and is temporarily fixed to a

subject's arm with the arm placed through the sleeve. Consequently, sleeve 30 does not correspond to the present invention's tight fitting band. If Just teaches an element corresponding to the tight fitting band, in view of the fact that the tight fitting band has an air-tight tube, the cuff member 25 must correspond to the tight fitting band.

The cuff member 25, however, is not stretchable in a lengthwise direction as is well-known in the sphygmomanometer art. In light of the foregoing, the Examiner's interpretation is incorrect.

Nevertheless, it may be said that, in Fig. 1 of Just, the entire cuff assembly 10 is stretchable in a lengthwise direction because the sleeve 30 is stretchable. However, the cuff assembly 10 is not stretchable when the arm is placed through the sleeve 30 in use.

Thus, to further clarify the difference between the present invention and Just, claim 1 has been amended to recite "the tight fitting band is stretchable, **when used**". Just does not disclose an apparatus, "when used," that has the characteristics of the claimed invention.

Group 2

The Examiner points out that Yavnai teaches the claimed tube, and specifically that the materials 102 and 104 correspond to the claimed tube. However, the materials 102 and 104 are air-tight volumes or spaces and, as such, air does not move into or out of the materials 102 and 104. A goal of the present invention is to effectively transmit the pressure in the tube to a user's limb, by supplying a gas to the tube and removing the gas from the tube, when the tube is filled with gas. Accordingly, Yavnai is not relevant to the claimed invention as recited in claim 5.

The Examiner further points out that Yavnai teaches "a tight fitting band that is stretchable in a lengthwise direction". However, whether Yavnai teaches "a tight fitting band that is stretchable in a lengthwise direction" is of no moment. As noted, group 2 has the advantageous effect owing to the tube. Stretchability in a lengthwise direction, by itself, is a well-known feature as provided by, e.g., existing tubular supports wrapped around an arm or leg.

Thus, again, Yavai cannot be considered relevant to the particularly claimed configuration recited by claim 5 of the present application.

In view of the foregoing, claims 1, 5, 8 and 9 are believed to be patentable over the prior art of record. Reconsideration and withdrawal of the §103(a) grounds of rejection of those claims are respectfully requested.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below.

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